

## **Summary of the targeted stakeholder consultation for the 2023 Rule of Law Report.**

With the 2023 Rule of Law Report, the Commission continues its annual monitoring cycle on the Rule of Law situation in the European Union and its Member States initiated in 2020. The Report contains 27 country chapters with detailed Member State specific assessments of the four pillars of the report: the justice system, the anti-corruption framework, media pluralism and media freedom, and other institutional issues related to checks and balances. The Commission thereby aims to promote dialogue on the rule of law and to prevent problems from emerging or deepening. The report provides an assessment of the developments since the 2022 Rule of Law Report and identifies new challenges in the Member States.

In the preparation of the 2023 Rule of Law Report, the Commission has continued a close dialogue with the Member States and with stakeholders in order to ensure a transparent process with an objective and impartial assessment as well as mutual understanding of the issues raised. Through input received from the Member States, country visits and stakeholder contributions the Commission was once again able to rely on a diversity of relevant sources.

As in previous years, the Commission has invited stakeholders to contribute and provide information on the rule of law situation across the European Union in a targeted stakeholder consultation, carried out from 14 November 2022 to 20 January 2023. Around 250 stakeholders<sup>1</sup> including international organisations, national independent authorities, interest representatives and civil society organisations provided information on:

- a) horizontal developments relating to rule of law, meaning trends common to several or all Member States; and
- b) developments in individual Member States relating to justice systems, anti-corruption framework, media pluralism, and other institutional issues related to checks and balances (i.e. the four pillars of the Report).

Those contributions proved once again to be a very helpful source of information for the Commission's work especially to identify and assess recent developments related to the national legal and institutional framework and its application in practice. In this context, the Report reflects the information provided by stakeholders where relevant and contributions are cited in the country chapters as appropriate, in line with the Report's methodology.

Apart from the targeted stakeholder consultation, the Commission has consulted with stakeholders during the virtual country visits to each of the 27 Member States. Some of the stakeholders that contributed to the targeted stakeholder contribution were also consulted as part of the virtual country visits, which made further discussions on their written contributions possible<sup>2</sup>.

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<sup>1</sup> For the purposes of determining the number of stakeholders that contributed, stakeholders that did not include any information in the targeted consultation were not taken into account. Each stakeholder was counted only once regardless of the number of contributions they sent.

<sup>2</sup> Information on organisations consulted during the virtual country visits can be found in Annex II of each Country Chapters.

The contributions by stakeholders are summarised below and listed in the Annex<sup>3</sup>. Concrete references to individual contributions below are made based on the consent of the stakeholders<sup>4</sup>.

### **Horizontal developments**

Several stakeholders provided information on horizontal developments and general trends in the European Union related to the rule of law. These contributions were in particular received from European networks, EU agencies and other international organisations and civil society umbrella organisations, including from the Fundamental Rights Agency, the Council of Europe, the UN Human Rights Regional Office for Europe, the European Network of Councils for the Judiciary, the Council of Bars and Law Societies of Europe, the European Broadcasting Union, the European Federation of Journalists, the European Network of National Human Rights Institutions, the European Implementation Network, Civil Liberties Union for Europe and Civil Society Europe. The contributions elaborate on positive and negative general horizontal developments or trends, relating to the rule of law across the EU Member States as well as in some cases bringing country-specific information covering all 27 Member States. In particular, these contributions cover the four pillars of the 2023 Rule of Law Report mentioned above: the justice system, the anti-corruption framework, media pluralism and media freedom and other institutional issues related to checks and balances.

As regards the justice system, stakeholders note efforts to increase the quality and efficiency of the justice system. Nonetheless, the necessity for the justice system to have access to sufficient resources to function appropriately is emphasised. In particular, stakeholders highlight the link between lengthy procedures and a lack of resources. Flawed systems to appoint court presidents are also mentioned as a subject of concern with the potential to challenge the independence of the judiciary. Positive developments linked to digitalisation, when introduced with the proper safeguards, have been highlighted. On the topic of the independence of justice, the importance of consulting and involving Councils for the Judiciary of changes regarding the judiciary is underlined.

As regards the anti-corruption framework, several stakeholders indicate that in many Member States, rules to ensure integrity, laws against conflict of interest, are still insufficient. Stakeholders also deplore insufficient regulation on lobbying. Though the investigation and prosecution of many important corruption cases is underlined, anti-corruption authorities still face difficulties in many Member States, especially as regards the investigation and prosecution of high-level corruption. Steps in the right direction are noted in the field of transparency.

As regards media freedom and media pluralism, stakeholders voice increasing concerns about freedom of expression, protection of the right to information and protection of journalists. In particular, the contributions report on attempts of political and economic pressure and control over media operators as well as safety concerns for journalists. Stakeholders further mention ongoing challenges related to the independence of the media and the transparency of media funding and ownership as well as a further increase in the use of Strategic Lawsuits Against Public Participation (SLAPPs).

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<sup>3</sup> The contributions received, as well as the summary of the contributions, represent opinions of the stakeholders and cannot be regarded as the official position of the European Commission and its services and are therefore not binding.

<sup>4</sup> Participants to the consultation could choose to have their contribution published either with their personal details included, or published in an anonymized version, or not to have their contribution published at all.

As regards other institutional issues related to checks and balances, stakeholders point out that the lack of a formal framework for the consultation of stakeholders or their insufficient application in practice in the legislative process remains problematic in a number of Member States and report on ongoing challenges for civil society organisations, e.g. with regards to administrative procedures or funding. Other Member States, as stakeholders acknowledge, have continued to improve the quality of the legislative process following the trend already noted in the previous Rule of Law Reports. Stakeholders further voice concern about the non-implementation of judgments of the European Court of Human Rights. As positive developments, contributions highlight that in many Member States, there is a growing public awareness of the rule of law and its importance for society.

## **Annex: list of contributors \***

\* When filing out the targeted stakeholder consultation, stakeholders could choose between public or anonymous contributions as well as having the option to not have their contribution published. Those that chose the option to remain anonymous or not have their contributions published are not included in this list.

- Aditus foundation, Daphne Caruana Galizia Foundation
- AEAJ, Association of European Administrative Judges
- Allianz "Rechtssicherheit für politische Willensbildung" (Alliance "Legal Certainty for political Advocacy")
- Amnesty International Hungary
- ARD
- Asociación de Fiscales
- Asociación Impulso Ciudadano
- Asociacion Judicial Francisco de Vitoria
- Asociación Judicial Francisco de Vitoria
- Asociacion Profesional De La Magistratura (APM)
- Asociația Centrul pentru Legislație Nonprofit (Center for Not-for-Profit Law in Romania)
- Association of Corporate Counsel
- Association of Judges of Slovakia (Združenie sudcov Slovenska)
- Austrian Federal Economic Chamber
- Austrian Ombudsman Board
- Border Violence Monitoring Network (BVMN)
- Bulgarian Institute for Legal Initiatives Foundation (BILI)
- Bundesrechtsanwaltskammer
- CECC, Conference of European Constitutional Courts
- Center for the Study of Democracy
- Centre for Democracy and Law Miko Tripalo
- Centre for Public Innovation
- Chancellor of Justice of the Government of Finland
- Civil Liberties Union for Europe
- ClientEarth Prawnicy dla Ziemi
- Colour Youth
- Commissariaat voor de Media
- Committee to Protect Journalists
- Consejo General de la Abogacía Española
- Consejo General del Poder Judicial
- Citizens Network Watchdog Poland
- Civil Development Forum
- Free Courts Foundation
- Helsinki Foundation for Human Rights
- Institute of Public Affairs
- National Federation of Polish NGOs
- Stefan Batory Foundation
- Constitutional Court of the Slovak Republic

- Contrapoder Justicia Democrática
- Coordination SUD
- Corner house
- Council for the Prevention of Corruption
- Democracy Reporting International
- Deutscher Anwaltverein (German Bar Association)
- Deutscher Richterbund
- Dutch Supreme Court
- Eötvös Károly Institute
- Esquerra Republicana de Catalunya
- European Broadcasting Union
- European Centre for Press and Media Freedom (ECPMF)
- European Civic Forum
- European Federation of Journalists
- European Implementation Network
- European Movement International (EMI)
- European Network Against Racism
- European Network of Councils for the Judiciary
- European Network of National Human Rights
- European Prison Litigation Network
- European Youth Forum
- Expert Forum
- FairTrials
- Finnish Bar Association
- FIRM-IFDH
- Flemish / Belgian Association of Journalists
- Foro Judicial Independiente
- Fundacion Hay Derecho
- Fundatia pentru Dezvoltarea Societatii Civile (Civil Society Development Foundation)
- Funky Citizens
- Generalitat de Catalunya - Government of Catalonia
- Gong
- Group of Lawyers
- Háttér Society
- HED Resource Centre
- High Council for Administrative and Tax Courts
- Human Rights House Zagreb
- Human Rights Watch
- Hungarian Civil Society Organisations
- Hungarian Helsinki Committee / Magyar Helsinki Bizottság
- International Press Institute
- Joint Civil Society
- JUDr. Martin Ribar and Association for Democracy and the Rule of Law
- Juezas y jueces para la democracia
- K-Monitor Association

- La Délégation des Barreaux de France
- LEX Tušim - petition initiative to prevent the abuse of promissory notes for property fraud in divorces in Slovakia
- Lietuvos radijo ir televizijos komisija (RTK)
- Lithuanian Bar
- Magistrats Europeens pour la Democratie et les Libertes
- MEDEL - Magistrats Europeens pour la Democratie et les Libertes
- Mertek Media Monitor
- Netherlands Bar
- Netherlands Helsinki Committee (NHC), Free Press Unlimited (FPU), Transparency International Nederland (TI-NL)
- Network of the Presidents of the Supreme Judicial Courts
- Oberster Gerichtshof der Republik Oesterreich
- OECD
- Office of the Public Defender of Rights
- Oficina Antifrau de Catalunya (Anti-Fraud Office of Catalonia)
- Ökotárs - Hungarian Environmental Partnership Foundation
- Òmnium Cultural
- Ordre des barreaux francophones et germanophone
- Osservatorio Balcani e Caucaso Transeuropa (OBCT)/ Centro per la Cooperazione Internazionale (CCI)
- Österreichischer Rechtsanwaltskammertag (Austrian Bar)
- Oxygeno
- PDLI
- PICUM- Platform for International Cooperation on Undocumented Migrants
- Plataforma Cívica por la Independencia Judicial (PCIJ)
- Plataforma Portuguesa das ONGD (Portuguese Development NGO Platform)
- Political Capital Institute
- Presseclub Concordia
- ReCommon APS
- Reconstruction of the State + NPD
- Regione Emilia-Romagna, Settore Affari Legislativi e aiuti di Stato
- Reporters Without Borders / reporters sans frontières (RSF)
- Republika
- Res Iudicata Judges for Social Awareness Association
- Saler
- Scholars at Risk, Europe
- Slovak Bar Association / Slovenská advokátska komora
- Statewatch
- Superior Council of Magistracy
- Supreme Court of Estonia
- Supreme Court of Ireland
- Supreme Court of Kingdom of Spain
- Supreme Court of Poland
- Supreme Court of Slovenia

- Supreme Court of Sweden
- Swedish Institute for Human Rights
- Századvég
- Társaság a Szabadságjogokért (TASZ) - Hungarian Civil Liberties Union (HCLU)
- The Bar of Ireland
- The Bulgarian Center for Not-for-Profit Law (BCNL)
- The Irish Environmental Network, IEN - perspective from the Environmental Law Officer of the IEN
- the Kúria
- The Kúria of Hungary
- Towarzystwo Dziennikarskie
- Transparency International
- Transparency International Deutschland e.V.
- Transparency International Hungary Foundation
- Transparency International Ireland
- Transparency International Spain
- Union of Journalists in Finland
- Vereinigung der österreichischen Richterinnen und Richter
- VIS - Volontariato Internazionale per lo Sviluppo
- Young European Federalists (JEF Europe)
- Zweites Deutsches Fernsehen - ZDF